



DAC Ifw

Docket No. 116897.00022

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bennie L. Farmer                      Group Art Unit: 3626  
Serial No.: 10/690,459                      Examiner: Not Yet Assigned  
Filed: October 21, 2003(Disputed)                      Date: October 12, 2004  
For: Automated Consumer to Business Marketplace System

**PETITION TO CORRECT INCORRECTLY ENTERED DATE-IN**

**UNDER 37 C.F.R. §1.10(D)**

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

Sir:

The above-identified application has an incorrect filing date due to an incorrect entry by the U.S. Postal Service. An Express mail envelope (number EV 415640363 US) containing the application was accepted by a U.S. Post Office Courier on October 20, 2003 before the last scheduled pick up time, at the offices of Hahn Loeser and Parks (HLP), in Akron, Ohio. However, the U.S. Postal Service failed to enter the package into its processing system, until it reached the USPS's facility in Dulles, Virginia on October 21, 2003. Once the packages reached Dulles, Virginia the next day, the express mail label was completed and the packages were sent to the USPTO. The USPTO used the Express Mail label to determine the filing date for the application to be October 21, 2003. This is incorrect. The USPS properly accepted the Application on October 20, 2003. The USPS failed to enter the correct date upon which the package was accepted.

Ann Cooper, Manager of the Express Mail Division at Akron, Ohio's Main Postal Facility, initiated an investigation at our request. USPS officials, along with HLP

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11/16/2004 YPOLITE1 00000056 10690459

01 FC:1460

130.00 OP

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employees, were able to conclude the packages were mailed on October 20, 2003 or earlier, because the U.S. Postal Service Courier receives Packages from Offices of HLP once daily at 15:45. However the packages arrived in Dulles, Va via the U.S. Postal Service at 15:11 on October 21, 2003. The statement below out lines what USPS officials and HLP attorneys believe lead to the incorrect filing date being entered on this package. We respectfully request Application 10/690,459 be accord the correct filing date of October 20, 2003.

**APPLICANT HEREBY PETITIONS TO CORRECT THE INCORRECTLY ENTERED FILING DATE.**

**1. Statement**

A. Express Mail Package number EV 415640363 addressed to the Commissioner For Patents, PO Box 1450, Alexandria, Va 22313-1450 was accepted by a U.S. Postal Service Courier from the offices of Hahn, Loeser and Parks (HLP), Akron, Oh 44313 as evidence by the U.S. Postal Service's courier billing statement to HLP for the month of October 2003. See USPS Courier Billing Statement Attached.

B. The U.S. Postal Service Courier agreement with Hahn, Loeser and Parks states that Express Mail Packages will be picked up once daily at 15:45 hours or later. See Attached Declaration from USPS Express Mail Manager, Ann Cooper.

C. Although the package was picked up from our offices by U.S. Post Service Courier in Akron, Oh the packages were not entered into the U.S. Postal Service Express Mail tracking system until they arrived "Enroute" in Dulles, Va on October 21, 2003 at 15:11 hours, as evidenced by the U.S. Postal Service's on

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**CERTIFICATION UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner of Patents, Washington D.C. 20231 with sufficient postage as first class mail.

Date: 11/12/04

  
Signature

Scott Oldham  
Type or print name of person certifying

internal "Track/Confirm-Intranet Item Inquiry-Domestic" product tracking system. See Attached "Track/Confirm" document.

D. The U.S. Postal Service agent processing the packages in Dulles, Va entered the mailing date of October 21, 2003 as evidenced by the original Express Mail label which lists the Origin Zip code as 20102 (Dulles, Va). However, the billing information indicates the package was picked up by USPS courier in Akron, Oh 44313. See Attached Copy of Express Mail Label and Attached Declaration.

E. USPS officials noted that when the Dulles, Va USPS mail expediter noticed that the acceptance scan was not completed in Akron, Oh, they performed the acceptance scan at the Dulles location. This was done to ensure the Express Mail piece with HLP's corporate account number on it was properly billed. This is the most likely reason the package was labeled as being shipped from Dulles, Va on October 21, 2003 rather than from Akron, OH on October 20, 2003.

F. The U.S. Postal Service's internal records, indicate the package arrived on time at the pick-up-point on October 21, 2003 in Alexandria, Va 22313 at 21:36 hours. Completing the requirement for "Next Day" Service. See Attached "Track/Confirm" document.

G. The previously listed package was deposited by HLP with the U.S. Postal Service Courier on October 20, 2003 or at some date prior to October 21, 2003. This is evidenced by the fact that HLP's courier agreement states that the courier will receive packages from HLP, once daily at 15:45 hours or later. The packages arrived in Dulles, Va via the U.S. Postal Service at 15:11 on October 21, 2003. Therefore, it would have been impossible for HLP have express mailed this package via U.S. Postal Service courier on October 21, 2003.

2. Petition Fee

Enclosed is a check for the Petitions to the Commissioner fee \$130.00 (37 C.F.R. §1.17(h)).

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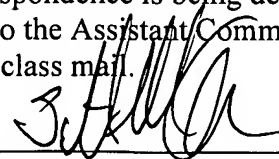
**CERTIFICATION UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner of Patents, Washington D.C. 20231 with sufficient postage as first class mail.

Date:

11/12/04

Signature



Scott Oldham

Type or print name of person certifying

3. Terminal Disclaimer with disclaimer fee.

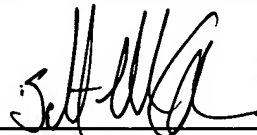
Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.

4. Additional Fees

Please charge Account 15-0450 for any additional fees may be required by the filing of these papers.

Respectfully submitted,

Hahn Loeser & Parks LLP



\_\_\_\_\_  
Scott Oldham  
Reg. No. 32,712

Date: 11/10/04

Hahn Loeser + Parks LLP  
One GOJO Plaza, Suite 300  
Akron, OH 44311-1076  
(New Address)  
(ph) 330-864-5550  
(fax) 330-864-7986

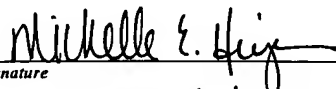
Enclosures: USPS Courier Billing Statement  
Ann Cooper Declaration  
USPS Track/Confirm-Intranet Item Inquiry-Domestic  
Copy of Original Express Mail Label

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Date: 11/12/04

  
\_\_\_\_\_  
*Signature*  
Michelle E. Hugar  
Scott Oldham  
\_\_\_\_\_  
*Type or print name of person certifying*

Practitioner's Docket No.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent  
Patent No.  
Issue Date



Application  
Application No.  
Filing Date

Box DAC  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF ANN COOPER

I, Ann Cooper, hereby declare as follows:

Commissioner of Patents:

The U.S. Postal Service has reviewed the mailing dates of next-day, express mail packages EV 415640350 US, EV 415640363 US, and EV 415640377 US and have concluded the following:

1. Hahn, Loeser and Parks (HLP) has a contractual agreement with the USPS which states that packages from HLP's Akron, Oh office will be accepted once daily at 15:45 hours or later.
2. Next Day Express Mail Packages EV 415640350 US / EV 415640363 US / EV 415640377 US were received by U.S. Postal Service Courier from HLP, in Akron, Oh as evidenced by the U.S. Postal Service's Courier Billing statement to HLP for the month of October 2003.
3. The packages were not entered into the U.S. Postal Service's Tracking System until they arrived in Dulles, Va on October 21, 2003 at 15:11 hours.
5. When the Dulles, Va USPS mail expeditor notice that the acceptance scan was not completed in Akron, OH, they performed the acceptance scan at the Dulles location. This was done to ensure the Express Mail piece with HLP's corporate account number on it was properly billed. This is the most likely reason the package were labeled as being shipped from Dulles, Va on October 21, 2003 rather than Akron, Oh on October 20, 2003.
4. The correct mailing date was October 20, 2003 from Akron, Oh. This evidence by the fact that the USPS courier in Akron, Oh receives next-day express mail packages from HLP 15:45 hours or later, yet these packages arrived in Dulles at 15:11 hours on October 21, 2003.
6. Please accept this certification that the correct mailing date for next-day express mail packages EV 415640350 US / EV 415640363 US / EV 415640377 US was October 20, 2003

Signed: Express Mail Supervisor, U.S. Postal Service, Akron Ohio Mail Office

DATED: 1-30-04

  
Ann Cooper



## Track/Confirm - Intranet Item Inquiry - Domestic

Item: EV41 5640 377U S

Date/Time Mailed: 10/21/2003 20:03

Destination	ZIP Code: 22313	City: ALEXANDRIA	State: VA
Origin	ZIP Code: 20102-9998	City: DULLES	State: VA

Class: Express Mail - PO to Addressee

Scheduled Delivery: 10/22/2003 12:00

Weight: lb: oz: 9

Postage: \$13.65

EMCA#: 0000443141

Delv Rqmt: Normal

Po Box?: Y

Event	Date	Time	Location	Scanner ID
DELIVERED	10/22/2003	11:11	ALEXANDRIA VA 22314	L272003
Firm Name: PATENT OFFICE				
Recipient : 'A TAITANO'				
<a href="#">Request Delivery Record</a>				
<a href="#">View Delivery Signature and Address</a>				
ARRIVAL AT PICK-UP-POINT	10/21/2003	21:36	ALEXANDRIA VA 22313	J829992
ARRIVAL AT UNIT	10/21/2003	21:31	DULLES VA 20102	J829992
ACCEPT OR PICKUP	10/21/2003	20:03	DULLES VA 20102	
ENROUTE	10/21/2003	15:11	DULLES VA 20102	J829992

Enter Request Type and Item Number:

Quick Search ☒ Extensive Search ☐[Explanation of Quick and Extensive Searches](#)

Item Number:

Inquire on multiple items.[Go to the Product Tracking System Home Page.](#)



UNITED STATES POSTAL SERVICE®

EXPRESS MAIL CORPORATE ACCOUNT  
MAILING STATEMENT

PAGE: 1

ACCOUNT NO: 443141

PERIOD: 10/01/03 - 10/31/03

DATE	CHARGE BACK	LABEL NUMBER	ORIG ZIP	DEST ZIP	ADJ REF	POSTAGE	FEES		DEPOSITS	WITHDRAWALS	GDA LEG
							PICKUP	DELIVERY			
BEGINNING BALANCE:						456.42					
10/01/03		EL483191006US	44309	22202		13.65					
10/02/03		EL849858555US	44309	22313		13.65					
10/02/03		EV218240404US	44309	22313		13.65					
10/07/03		EL849858564US	44309	22313		13.65					
10/14/03		EV218240418US	44309	22313		13.65					
10/14/03		EV415640045US	44309	22313		13.65					
10/14/03		EV415640085US	44309	22313		13.65					
10/14/03		EV415640099US	44309	22313		13.65					
10/15/03		EL483190986US	44309	22202		13.65					
10/15/03		EL483190990US	44309	22202		13.65					
10/15/03		EL849858578US	44309	22313		17.85					
10/15/03		EL849858581US	44309	22313		13.65					
10/15/03		EV415640111US	44309	22313		13.65					
10/15/03		EV415640125US	44309	22313		13.65					
10/16/03		EV218240435US	44309	22313		17.85					
10/17/03		EV415640108US	44353	22313		13.65					
10/20/03		EV415640054US	44302	22313		13.65					
10/21/03		EV415640350US	20102	22313		13.65					
10/21/03		EV415640363US	20102	22313		13.65					
10/21/03		EV415640377US	20102	22313		13.65					
10/22/03		EV415640139US	44309	22313		13.65					
10/23/03		EV415640385US	44309	22313		13.65					
10/23/03		EV415642038US	44309	22313		13.65					
10/24/03		EV415642024US	44309	22313		13.65					
10/27/03		ER245793124US	33928	22313		17.85					
10/27/03		EV415640394US	44309	22313		13.65					
10/28/03		EV415640071US	44309	22313		13.65					
10/28/03		EV415640142US	44309	22313		13.65					
10/29/03		EV415640156US	44309	22313		13.65					
10/31/03		EV415640403US	44353	22313		13.65					
10/28/03		PKUP SERVICE	44313					12.50			
SUB-TOTAL:						422.10		12.50			
(A) TOTAL CHARGES:						422.10		12.50	0.00		
(B) TOTAL ADJUSTMENTS (#):						0.00		0.00	0.00		
(C) TOTAL REFUNDS (*):						0.00		0.00	0.00		
TOTAL (A + B - C):						422.10		12.50	0.00		
10/16/03		DEPOSIT								311.31	
10/30/03		DEPOSIT								299.76	
ENDING BALANCE:						632.89					

Attorney Docket No. 116897-15-REV Initials enphm Date Oct 20, 2003

Inventor/Applicant Fanner ar/Pat. No. \_\_\_\_\_ Filed \_\_\_\_\_

Title Methods + Computer Program

☒ PATENT/DESIGN APPLICATION

23 pgs. Specification 23

6 pgs. Claims 6

1 pgs. Abstract 1

6 Sheet(s) of Drawings 6

Formal ☒ Informal ☒

Declaration/Power of Attorney ☒

Small Entity Status ☒

Copy of Notice to File Missing Parts ☐

PCT Request ☐

Fee Calculation Sheet ☐

Demand for Prel. Examination ☐

Base Issue Fee ☐

Supplemental Declaration ☐

22388 U.S. PTO  
10/690459

102103

RECEIPT IS HEREBY ACKNOWLEDGED

☐ AMENDMENT (Due \_\_\_\_\_)

Extension of Time For \_\_\_\_\_ Month(s)

☐ INFORMATION DISCLOSURE STATEMENT

PTO/SB/08A \_\_\_\_\_ Refs. \_\_\_\_\_

☐ ASSIGNMENT \_\_\_\_\_ Recordation \_\_\_\_\_

☐ CHECK(s) in Amount \$ \_\_\_\_\_

☒ TRANSMITTAL ☒ New Application

☒ OTHER No return card

Attorney Docket No. 6897- Initials enphm Date Oct 20, 2003

Inventor/Applicant Fanner ar/Pat. No. \_\_\_\_\_ Filed \_\_\_\_\_

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☐ ASSIGNMENT \_\_\_\_\_ Recordation \_\_\_\_\_

☐ CHECK(s) in Amount \$ \_\_\_\_\_

☒ TRANSMITTAL ☒ New Application

☒ OTHER No return card



Customer Copy  
Label 11-F June 2002  
**OCT 27 2003**  
Post Office To Addressee

<b>ORIGIN (POSTAL USE ONLY)</b>			<b>DELIVERY (POSTAL USE ONLY)</b>		
PO ZIP Code <u>20102</u>	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>	Delivery Attempt Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Date In <u>10/21/03</u>	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$	Delivery Attempt Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Time In <u>2:01 PM</u>	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee	Delivery Date Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Weight <u>8.9</u> lbs. ozs.	Int'l Alpha Country Code	COD Fee	<input type="checkbox"/> <b>WAIVER OF SIGNATURE (Domestic Only)</b> Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <u>BW</u>	Insurance Fee	<b>NO DELIVERY</b> <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday Customer Signature _____		
<b>CUSTOMER USE ONLY</b> METHOD OF PAYMENT: Express Mail Corporate Acct. No. <u>X443141</u>			Federal Agency Acct. No. or Postal Service Acct. No.		
<b>FROM: (PLEASE PRINT)</b> MAHN LUEGER & PARKS LLP 1225 N MARKET ST ARLING ON 44313-7154			<b>TO: (PLEASE PRINT)</b> MAIL STOP: <u>PATENT APPLICATION</u> COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA VA 22313-1450		



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